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Letter dated 8 February 2002 from the Permanent Representative of Morocco to the United Nations addressed to the President of the Security Council

The legal opinion provided by Mr. Hans Corell, the Under-Secretary-General for Legal Affairs and Legal Counsel, on 29 January 2002 was meant for the Security Council as a political body. Since this opinion was widely disseminated, it is the duty of the Kingdom of Morocco, from the point of view of international law, to convey to you the following clarification:

In his letter of 13 November 2001, the President of the Security Council had requested Mr. Hans Corell to give his opinion on the legality of the oil prospecting contracts signed by the Moroccan Government with the United States company Kerr-McGee and the French company Total Fina Elf. The Legal Counsel, after pointing out that the Moroccan Government had given him all the necessary information, concluded that the two contracts, 'which were the subject of the request by the Security Council, were not illegal in themselves". The question addressed to the Legal Counsel therefore was given the appropriate response, namely that the Kingdom of Morocco had acted in complete legality.

In addition, the Secretary-General of the United Nations and the Security Council are making efforts, which fall within their responsibilities, to initiate a political solution to the regional dispute over the "Western Sahara". Accordingly, in his report of 24 April 2001, the Secretary-General said that he did "believe that substantial progress has been made towards determining whether the Government of Morocco as the administrative power in Western Sahara is prepared to offer or support some devolution of authority for all the inhabitants and former inhabitants of the Territory that is genuine, substantial and in keeping with international norms" (see S/2001/398, para. 19). The status of administrative power, and not administering power (in the sense of Article 73 of the Charter), was, moreover, referred to by the Legal Counsellor.

On the basis of the aforementioned report of 24 April 2001, the Personal Envoy of the Secretary-General, Mr. James Baker III, proposed a draft framework agreement to the parties, approved by the Security Council in its resolution 1359 of 29 June 2001, which encourages them to find a political solution on the basis of broad delegation of powers to elected institutions, within the framework of Moroccan sovereignty.

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The Kingdom of Morocco hopes that the negotiations recommended by the Security Council will begin as soon as possible in order to arrive at a lasting solution to this regional dispute.

I should be grateful, Sir, if you would have this letter issued as a document of the Security Council.

(*Signed*) Mohamed **Bennouna**
Ambassador
Permanent Representative of the Kingdom of Morocco
to the United Nations